

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claim 26 has been re-written in independent form, and claim 59 has been re-written to include all limitations of claim 71. Both of claims 26 and 71 were identified at page 6 of the office action as reciting allowable subject matter. Claims 26, 59-63, 72, and 73 remain pending. All other claims have been cancelled without prejudice. No excess claim fees are due with this submission.

This submission is accompanied by a Request for a Three-month Extension of Time and a Notice of Appeal. All fees associated with this submission can be charged to Deposit Account 14-1138. Any overpayment can be credited and any underpayment can be charged to this same account.

For the reasons identified in applicants' prior submission, the present application is entitled to the February 28, 2003, filing date of the '309 priority application and May 6, 2003, filing date of the '467 priority application. Acknowledgement is respectfully requested.

The rejection of claims 1, 3, 12, 19-22, and 74 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,874,210 to Guarente et al. ("Guarente") is rendered moot by the cancellation of these claims. This rejection should be withdrawn.

The rejection of claims 1, 3, 5-10, 16, 19, 20, 22, 59-62, 64, 70, and 74 under 35 U.S.C. § 102(b) as being anticipated by Jarolim et al., "Is There a Way to Select for Long Lived Yeast Mutants?" 1st International Meeting on Yeast Apoptosis, Braga, Portugal, Meeting Abstract, October 4-6, 2002 ("Jarolim I), as evidenced by Jarolim et al., "A Novel Assay for Replicative Lifespan in *Saccharomyces cerevisiae*," *FEMS Yeast Research* 5:169-77 (2004) ("Jarolim II") is rendered moot by the cancellation of claims 1, 3, 5-10, 16, 19, 20, 22, 64, 70, and 74, and is overcome by the amendment of claim 59 to recite the limitations of prior claim 71. This rejection should be withdrawn.

The rejection of claims 1, 3, 5-10, 16-20, 22, 59-62, 64-68, 70, and 74 under 35 U.S.C. § 103(a) for obviousness over Jarolim I and II in view of U.S. Patent No. 6,531,289 to Bradley et al. is rendered moot by the cancellation of claims 1, 3, 5-10, 16-20, 22, 64-68, 70, and 74, and is overcome by the amendment of claim 59 to recite the limitations of prior claim 71. This rejection should be withdrawn.

The rejection of claims 1, 3, 5-10, 16-20, 22, 27, 28, 59-62, 64-68, 70, and 72-74 under 35 U.S.C. § 103(a) for obviousness over Jarolim I and II in view of Bradley and further in view of U.S. Patent No. 6,200,746 to Fisher et al. is rendered moot by the cancellation of claims 1, 3, 5-10, 16-20, 22, 27, 28, 64-68, 70, and 72-74, and is overcome by the amendment of claim 59 to recite the limitations of prior claim 71. This rejection should be withdrawn.

The rejection of claims 1, 3, 5-10, 16, 19-22, 59-62, 64, 67-70, and 74 under 35 U.S.C. § 103(a) for obviousness over Jarolim I/II in view of Guarente is rendered moot by the cancellation of claims 1, 3, 5-10, 16, 19-22, 64, 67-70, and 74, and is overcome by the amendment of claim 59 to recite the limitations of prior claim 71. This rejection should be withdrawn.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: April 3, 2009

/Edwin V. Merkel/
Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
1100 Clinton Square
Rochester, New York 14604-1792
Telephone: (585) 263-1128
Facsimile: (585) 263-1600